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THE

ANTI-SLAVERY REPORTER.

No. 82.] JUNE 25, 1831. [Vol. iv. No. 10.

THE WEST INDIAN MANIFESTO EXAMINED:—

Abstract of Ameliorating Laws, viz. 1. *On Religious Instruction, Observance of the Sabbath, Baptism, Marriage;* 2. *Food, Clothing, Lodging, &c.;* 3. *Labour, Exaction of;* 4. *Arbitrary Punishment;* 5. *Separation of Families (Mr. Burge's Misrepresentations);* 6. *Manumission;* 7. *Slave Evidence;* 8. *Right of Property;* 9. *Legal Protection.*

THE following Address to the People of Great Britain and Ireland has been of late most extensively circulated throughout the United Kingdom by the West India Body in this country. When we say *extensively*, we mean by hundreds of thousands.

"Fellow Countrymen! We, the undersigned persons, possessing property in the West India Colonies, have seen with regret and astonishment an Address to the People of Great Britain, put forth by a body of persons styling themselves the 'London Anti-Slavery Society,' and signed on behalf of that Society by Messrs. T. F. Buxton, S. Gurney, W. Wilberforce, W. Smith, Z. Macaulay, D. Wilson, R. Watson, S. Lushington, calling on all the people of this kingdom who prefer 'humanity to oppression,'—'truth to falsehood,'—'freedom to slavery,'—to support those candidates only to represent them in Parliament, who have determined upon adopting measures for 'the speedy annihilation of slavery;' and in that Address they proceed to assure you that 'none look with greater horror on the shedding of blood, or the remotest chance of occasioning such a calamity, than themselves; but that they are in their consciences convinced, after investigation most careful and scrupulous, that, from the emancipation recommended, no risk to the white inhabitants could arise.'

"Fellow Countrymen! We also prefer humanity to oppression, truth to falsehood, freedom to slavery; but we possess, with our property in the West India Colonies, the means of *correctly ascertaining* the actual state of the Negro population. We know, and are ready to prove, that the general condition of the Slaves has been most grossly misrepresented by the London Anti-Slavery Society; and we assert, in the face of our country, our well-founded conviction, that the 'speedy annihilation' of slavery would be attended with the devastation of the West India Colonies, with loss of lives and property to the white inhabitants, with inevitable distress and misery to the black population, and with a fatal shock to the commercial credit of this empire.

"We deny the injurious slander that 'the holders of Slaves have proved themselves unfit and unwilling to frame laws for the benefit of their bondsmen;' on the contrary, out of the various measures suggested by the British Government, for ameliorating the condition of the Slaves, the far greater proportion of them are now in force under laws enacted by the Colonial Legislatures. We have desired, we still desire, and will most actively promote, any investigation on oath which Parliament shall be pleased to institute, for the purpose of ascertaining what is the real condition of the slave population—what laws have been passed for their benefit—what progress they have made, and are now making, towards civilization—and what further well-digested measures are best calculated 'to prepare them for a participation in those civil rights and privileges which are enjoyed by

other classes of his Majesty's subjects'—and this 'at the earliest period compatible with the well-being of the Slaves themselves, with the safety of the Colonies, and with a fair and equitable consideration of the interests of private property.'

Simon H. Clarke, Bart.	John H. Deffell.	Neill Malcolm.
Henry W. Martin, Bart.	James B. Delap.	William Manning.
W. Windham Dalling, Bart.	John Fuller.	John P. Mayers.
William H. Cooper, Bart.	Alexander Grant.	Philip John Miles.
William Fraser.	Alexander Hall.	John Mitchell.
Wm. Max. Alexander.	Robert Hibbert.	Rowland Mitchell.
J. L. Anderdon.	George Hibbert.	G. H. Dawkins Pennant.
David Baillie.	Thomson Hankey.	William Ross.
John Baillie.	Isaac Higgin.	George Shedden.
J. Foster Barham.	Hugh Hyndman.	A. Stewart.
Æneas Barkly.	John Innes.	George Watson Taylor.
Andrew Colvile.	William King.	Robert Taylor.
John Daniel.	Roger Kynaston.	John Watson.*
Henry Davidson.	David Lyon.	

London, April 29th, 1831.

"The Anti-Slavery Society declare—

"That the experience of the last eight years has demonstrated incontrovertibly, that it is *only* by the direct intervention of Parliament that any effectual remedy can be applied.'

"And one of the Resolutions proposed to the House of Commons at the close of the last Session, by Mr. T. F. Buxton, also declared—

"'That, during the eight years which have elapsed since the Resolutions of the House of Commons in 1823, the Colonial Assemblies have not taken adequate means for carrying those Resolutions into effect.'

"As it is, therefore, on the express ground of the alleged refusal of the Colonial Assemblies to take adequate measures for carrying into effect the Resolutions of 1823, that the Anti-Slavery party invoke the interference of Parliament, it has been thought fit to show what are the existing laws of the several Colonies, and which laws (with one exception, p. 12,)† are either entirely new, or have been re-enacted with great improvements, *within the last eight years*."

These *forty-one* gentlemen then proceed to give, what they call, an "Abstract of the existing laws of our West India Colonies" compiled, they say, from Parliamentary documents. The correctness of this abstract thus vouched, and the value of the enactments it boasts of, it shall now be our business to examine.

1. The "Abstract" commences with a view of the measures said to have been adopted in Jamaica for the benefit of the slaves, in pursuance of the suggestions of His Majesty's Government; and the first point which they select in proof of the compliance of the legislature of this island is that of "*Religious Instruction and the Observance of the Sabbath.*" Now, we should be quite willing to rest the whole merits of this controversy on the truth or falsehood of the alleged compliance. The recommendation of the British Government was that Sunday markets and Sunday labour should be abolished, and a day in lieu of the Sunday given to the slaves for those purposes. But in what respect has the legislature of Jamaica complied with this suggestion? It has given the slaves no day in lieu of Sunday, nor do its present

* We have inserted the *forty-one* names subscribed to this paper by way of securing a lasting record of them. They are names which ought not to be forgotten.

† We shall hereafter show how unfounded is this statement.

advocates pretend that it has done so. Neither has it abolished Sunday markets. On the contrary, it has given them, as the "Abstract" itself admits, the express sanction of law, by permitting them to be held and kept open till eleven o'clock. The legislature of Jamaica, these *forty-one* gentlemen gravely tell us, has passed a law for the observance of the Sabbath; and yet that law, on their own shewing, makes Sunday markets lawful, permitting them to be kept open till eleven o'clock. The enactment in question, therefore, instead of providing for the *observance* of the Sabbath, actually provides, (as if in mockery of the recommendation of Government and of the wishes of the parliament and people of Great Britain,) for the *non-observance*, for the *desecration* of that sacred day. The markets may *now* by positive law (a law that had no previous existence in the Statute book of Jamaica) be kept open for nearly half the Sunday. But even the having thus legalized Sunday markets for so large a part of the day is only a small part of the evil consequent on this pretended act of compliance. The slaves, be it remembered, who bring their produce to be sold in the Sunday market, kept open by a new and express law till eleven o'clock in the forenoon, must previously have travelled with their loads from their residences in the country; and having consumed half of the Sunday in this labour, and in effecting their sales and their purchases, must again retrace their weary steps, under a noontide sun, to their respective plantations, at a distance of five, ten, fifteen, or perhaps twenty miles from the market-place. Can Sunday, under such circumstances, be designated with any truth as a day of rest and religious observance? Is it not rather absolutely converted, by the pretended ameliorating enactment itself, into a day of toil and fatigue, into a day devoted to the most secular of all employments, into a day of peculiar hurry, and distraction, and dissipation? What period of such a day, so spent, would it be possible to appropriate with any effect to the work of religious instruction? What, then, is it that we have to contemplate in the statement made to us under the solemn asseverations and the formal attestation of these *forty-one* gentlemen? Is it not something which very much resembles a deliberate attempt to impose on the public by a representation, not which slightly varies from the truth of the case, but which stands in direct opposition to it? Those must have formed a strange idea of the gullibility of that public who could boldly venture to stake their credit on such a statement, a statement so notoriously contradicted by the very words of the Act, that they themselves, if they opened their eyes, could not but know, at the very time they affixed their signatures to this paper, that it was destitute of even the shadow of truth.

And let it not be here forgotten that the West Indians generally, nay that many of these very gentlemen themselves, have told us repeatedly, and in the strongest terms, that, in their opinion, it is only by means of religious instruction the slaves are to be improved, or fitted for freedom; a consummation which they further profess to desire as ardently as we do ourselves. And yet, the grand proof they give of the sincerity of these opinions and these professions, and which proof they render peculiarly prominent by placing it in the very front of their

present laboured defence, is an enactment which, instead of abolishing Sunday marketing and Sunday labour, and allotting other time in lieu of Sunday for these purposes, so as to afford to the slaves their only opportunity of religious instruction, confers for the first time a legal sanction on the gross and systematic violation of the Sabbath, by recognising it as *the* day, the exclusive day of traffic for the slaves, and thus imposing upon them, as an inevitable effect of the law, the necessity of undergoing on that day much severe and exhausting toil.* We put it to the understanding of every impartial man, nay, we put it to the consciences of the *forty-one* subscribers to the paper before us, whether this be a fair, open, ingenuous, and honest course; and whether, therefore, both the enactment of the Jamaica legislature on the subject, and their own attempted vindication of it, do not wear an air which in the case of less honourable men would be deemed somewhat akin to imposture? We dwell on this point the more intently and explicitly, not only because these gentlemen have made this point a prominent part of their case, but because they have uniformly chosen to represent the religious instruction of their slaves as an indispensable preliminary to improvement and ultimate emancipation. The legislation however, of Jamaica, of which they boast, and for which they claim credit with the public, is manifestly so far from tending to promote religious instruction, that it seems to have been skilfully adapted to retard, if not wholly to frustrate, that object.

These *forty-one* gentlemen charge the Anti-Slavery Society with having most grossly misrepresented the general condition of their slaves. It is obviously impossible for us to reply to so vague and indefinite a charge; and on that very account, we doubt not, they have found it convenient to avoid all specification. We, on the contrary, in dealing with their statements, wish to avoid mere generalities, and to grapple with their assertions on the ground of fact and evidence. Such is our course in the present instance. We have proved by the best of all testimony, namely, by their own, that their defence is invalid; and that, notwithstanding their bold affirmations to the

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* The *forty-one* gentlemen who have affixed their names to this paper, will probably allege that we deal unfairly with the legislature of Jamaica, in not admitting that it has passed an act, which relieves slaves from arrest for their master's debts, not only on Sunday but also on Saturday, and this with the *professed* object of facilitating their attendance on a Saturday market. But of what use is this pretended indulgence to the slave, while the same legislature who passed this clause (the only purpose of which seems to be to furnish an argument against the abolitionists,) has not chosen to appoint the market to be held on Saturday, or to give Saturday to the slave on which to go to that market. To the slave, therefore, it is obviously of no use.

Again, what benefit does it confer on the slave to pass a law that he shall not be required to perform plantation work on the Sunday, when not only, as we have shewn, the state of the law respecting the Sunday market compels him to toil and fatigue and secularity on that day, but when the refusal to allot time to him in lieu of Sunday for cultivating his provision grounds, (which grounds furnish to him and his family their means of subsistence) drives him to the alternative that he must either labour on that day, or starve?

contrary, Jamaica has not complied with the suggestions of the Government on this most vital point of religious instruction and the observance of the Sabbath. By the very evidence, therefore, which they themselves have adduced, and which stands foremost in their defence, they "have demonstrated incontrovertibly" the truth of our position, "that the holders of slaves have proved themselves unfit and unwilling to frame laws for the benefit of their bondsmen;" and "that it is only by the direct intervention of Parliament that any effectual remedy can be applied" to the admitted evils of Colonial slavery; being the very point, by their own statement, at issue between us.

Now if we have established in this single instance, avowedly one of the primest importance and of peculiar solemnity, that this "Abstract," deliberately framed as it has been, and sanctioned by so many high names, is nevertheless a deceptious document, calculated to mislead the public, and to convey false views of West Indian improvement, we might well be spared from proceeding farther with our inquiry, and might be justified in at once calling on the public to refuse any longer to listen to representations so wholly undeserving of regard.—These *forty-one* gentlemen lay claim to public attention on the ground that their possession of West India property affords them the means of *correctly ascertaining* the truth. If we were to concede to them this claim, the concession would neither disprove facts that are incontrovertible, nor convert truth into falsehood, though it might add to the discredit of those whose authority, grounded on the claim of superior knowledge, should be exerted to that unhallowed end.

But we must not omit to remind the public that the very mistatements which we have now held up to merited reprehension, have been already, over and over again, exposed in our pages, in terms similar to those which we have now employed. And yet the very same misstatements have continued to be repeated, by nearly the same parties, without a single attempt to disprove those direct charges of deliberate mistatement we had preferred against them; those charges, too, being supported by evidence which they themselves (the West Indians) had supplied. We might refer, indeed, in order to confirm this heavy imputation, to the three volumes of the Anti-Slavery Reporter already published; but we will only point out at present, to those who wish (in addition to the statements given in our very last number) to satisfy themselves of the fact, the Anti-Slavery Reporters, No. 37, and No. 60. No. 60 especially, contains an unanswered and unanswerable exposure of an attempt, under the same title of an "Abstract," in many respects similar to the present, and from which, indeed, the present has evidently, in great part, been borrowed. And this circumstance, coupled with the uniform and determined policy adopted by these parties, cautiously to avoid all notice of the *specific* proofs we adduce of their deliberate misrepresentations, furnishes, of itself, no light presumption of the correctness of our statements. These gentlemen, naturally enough, prefer, in such a case, general and vague abuse to any thing like distinct refutation.

With respect to the points of *baptism* and *marriage*, comprised under the general head of religion, it will be sufficient to observe, that

baptism can be considered of little value if disjoined from the religious instruction which is, to a great degree, unattainable under the system which prevails in Jamaica, in regard to the Sabbath;—and that the law of this Island, relative to marriage, instead of promoting, serves rather to obstruct and discourage that institution, though it be the necessary foundation of all domestic and social improvement. (See Anti-Slavery Reporter, vol. iii. No. 60, p. 193—195.)

The above statement with respect to Jamaica may be considered as applicable, in one most material respect, to all the Colonies, whether Crown or Chartered. In none of them, even where Sunday markets have been abolished, as in the Crown colonies and in Grenada and Tobago, has a day been given in lieu of Sunday. But even the entire abolition of the Sunday market, and the appointment of another day for holding markets, will be of no value to the slave unless the day so appointed shall be made *his* by law, and unless the slave be also protected, by law, on that day, from arrest for the debts of his master. A slave going to market on any day but Sunday may now be seized and sold for his master's debts. How, then, can he go to market on any day but Sunday? Jamaica, indeed, has exempted him from arrest on the Saturday, but has dexterously contrived to nullify that provision by refusing to give him the Saturday for the purposes of marketing and labour.

In the case of the mere limitation of the Sunday markets to nine o'clock as in Barbadoes, or to ten as in St. Vincent, or to eleven as in most of the other chartered colonies, the case is equally disadvantageous to the slave as we have shewn it to be in Jamaica. They are in fact only different modes, under the hypocritical shew of a compliance, of depriving the slave population of the benefit intended for them by the Government and legislature of this country, in requiring that Sunday markets and Sunday labour should cease.

The remarks respecting baptism and marriage are also with slight variations equally applicable to the other chartered Colonies as to Jamaica; the regulations respecting marriage being, in general, calculated to discourage rather than to promote that institution.

2. The next topic on which these gentlemen choose to insist as establishing their claim to humanity, and their fitness to legislate for their bondsmen, bears this title:

"*Food, clothing, lodging, general treatment.*"

Now the highest scale they give us of their estimate of the sufficiency of the essential articles of food and clothing, on which so much of human comfort necessarily depends, is contained under the head of Demerara, and is as follows—

"*Weekly Allowance of Food and of Clothing, to be given to Slaves in the United Colony of Demerara and Essequebo.*

"Adult working male or female, to have of salt fish, herrings, shads, mackerel, or other salt provisions, 2lbs.: if fresh, double the quantity, with half a pint of salt: one and a half bunch of plantains, weighing not less than 45lbs., or of other farinaceous food; 9 pints corn or beans; 8 pints pease, or wheat or rye flour, or Indian corn meal; or 9 pints oatmeal; or 7 pints rice; or 8 pints Cassava flour; or 8lbs biscuit; or 20lbs. yams or potatoes; or 16lbs. eddoes or tanios, and not

less. Invalids, and boys and girls from 10 to 15 years of age to have two-thirds, and boys and girls from 5 to 10 years of age, to have one-half of the above quantities of salt provisions, and of plantains, or other farinaceous food. Children from 1 to 5 years of age, to have one-third of the above quantity of salt provisions, and one-third of the quantity of plantains, or other farinaceous food.

" *Yearly Allowance of Clothing* :—

" Working males: 1 hat, 1 cloth jacket, 1 check shirt, 1 pair Osnaburg trowsers, 2 Salampore caps, 1 razor or knife, 1 blanket every 2 years. Working females: 1 hat, 1 gown or wrapper, 1 check shift, 1 Osnaburg petticoat, 1 pair of scissors, 1 blanket every 2 years. To invalids and children in proportion."

The allowances of food for the slaves in the Leeward Islands including Antigua, St. Christopher's, Nevis, Montserrat and Tortola are on nearly the same scale, except that the salt fish is reduced to 1¼lbs. a week and the fresh in proportion, and that a permission is given to the owner to diminish, with the exception of the fish, even these scanty allowances by a fifth part, in time of crop. The clothing consists of a single suit annually. The allowances of Tobago do not differ very materially from these.

No specific allowances are by law assigned to the slaves generally in any of the other Colonies excepting the Bahamas. But there, instead of eight pints of flour a week as in Demerara, &c. the legal allowance is twenty-one pints for each slave, and instead of seven pints of rice, fourteen, and instead of one suit, two suits of clothing yearly.

In Jamaica, though no specific allowances of food are prescribed by law for the field or working slaves, that is, for the slaves generally, yet the law of that island, as these *forty-one* gentlemen admit, fixes, as *sufficient*, the rate of allowance, for slaves confined in gaols or workhouses, at twenty-one pints of flour and seven herrings weekly.

It cannot be supposed to be the intention of the legislature of Jamaica to pamper their criminal slaves, or their apprehended runaways, by giving them a superabundance of food. On the contrary, the utmost that justice and humanity could require would be that the food, afforded to these offenders against the laws, should be *sufficient*. But when we compare their twenty-one pints of flour a week with the eight pints allowed in Demerara and the Leeward Islands, to hard working field slaves, toiling under an exhausting sun from day dawn to dusk, and often much longer; what must we think of the cruel parsimony which can have dictated such a law? We marvel what any one of the *forty-one* subscribers to this address would say to his being kept for a single day on such fare as this—a pint and one-seventh, or about a pound, of raw undressed flour, and three ounces of salt fish a day? The utmost such a pittance could do for him would be to keep soul and body together for a brief space. In truth it is an absolutely starving allowance, and of itself sufficiently explains the frightful waste of life in our slave Colonies. Still we think that each of these advocates of the sufficiency and humanity of this provision, if he persists in his plea, is bound fairly to put the matter for once to the test of a week's experiment in his own case, and to favour the public with the result. And if not, he is at least bound to refute

the authentic facts which Mr. Stephen, in the second volume of his Delineation of Slavery, has adduced to prove the miserable and destructive insufficiency of such an allowance as that which is here held forth as ample. (See his eighth chapter, p. 243 to 341.) "The shocking and opprobrious result" of the elaborate comparison which Mr. Stephen has there instituted between the allowances to the field slaves in the West Indies; and those to the inmates of our gaols and penitentiaries, both when idle and when put to hard labour, in England; is thus stated by that able and accurate writer:—

"The English vagabond or felon, when imprisoned for his crime has a subsistence which, on the lowest general estimate that can be formed, is, at least, two-fold superior in nutritious value to that of the poor West Indian negro, whose freedom has been forfeited by no crime of his own, but solely by the deep, publicly acknowleged, legislatively recorded crime of this enlightened Christian land, perpetrated against himself or his African progenitors. The one is thus fed while in idleness. When forced to labour his subsistence is still greater. The other (the slave), though his forced and permanent labours are twice as great, has, at best, not half the food. Yet the former's allowances are limited by the necessity of the case, the necessity of saving him from the wasting of the body, from debility, sickness and death. What, then, must be the consequences of giving less than half the subsistence to the ultra-laborious slave? What they actually are, my readers have sufficiently seen. They cannot be better summed up than in the emphatic words of Dr. Collins,* in his Practical Rules, &c. p. 87, 88, 'With so scanty a pittance, he says, it is, indeed, possible for the soul and body to be held together for a considerable time with no other resource.' 'They (the Negroes) may crawl about with feeble emaciated frames,' but 'their attempts to wield the hoe prove abortive; they shrink from their toil, and being urged to perseverance by stripes, you are soon obliged to receive them in the hospital, whence, unless your plan be speedily corrected, they depart but to 'the grave:' and he goes on to 'aver it boldly,' on the 'ground of his own experience, that numbers of Negroes have perished annually by diseases produced by inanition." (Stephen's Delineation, vol. ii. p. 318.)

We need say no more to prove that West Indian legislation, respecting the subsistence of the slaves, does not go very far to es-

* Dr. Collins was an eminent medical practitioner in St. Vincent's, where he became possessed of many slaves. He was one of the most able and zealous apologists of the West India system. He published a work entitled "Practical Rules for the Management and Medical Treatment of Negro Slaves in the Sugar Colonies," which was so highly valued by some West Indians, that Mr. G. Hibbert, the agent of Jamaica, caused an extensive edition of it to be printed and circulated. It was not till afterwards that the melancholy impression of the condition of the negro slave, which this faithful though indirect exhibition of its evils was calculated to produce, became fully known to the public. Mr. Stephen has drawn from it a most remarkable confirmation of every part of the horrid case which his own masterly Delineation of Colonial Slavery has laid bare to the eye of the national conscience.

tablish the planters' claim to humanity, or their "fitness to frame laws for benefit of their bondsmen."

As for the legal provision of *clothing*, it is almost too ludicrous to be seriously mentioned, were it not for the melancholy consequences which it involves. One suit of clothing in the year, to men and women! and of such clothing! made of the vilest and most flimsy materials! What must be the state of this annual suit at the close of the year, if it has indeed been worn and washed during that time? Will it be pretended that such an allowance can provide for comfort or even for decency? It would be utterly inadequate even to cover the nakedness of these human cattle, if they have no other resource, which many of them have not. The whole value of it probably does not exceed that of the cloth of one of the pampered horses of any one of the *forty-one* subscribers to this address.

As for the articles of *lodging* and *general treatment*, the terms in which these are spoken of in the Colonial Acts are too vague to serve any purpose but that of imposing, by a mere shew of legislation, utterly worthless in itself, on the ignorance of the good people of this country. As for general treatment, that is obviously to be measured, not by any vague terms they may employ on the subject, but by the quantity of food and clothing secured to the slaves, the labour exacted from them, the punishments arbitrarily inflicted, the protection given by law, the instruction imparted to them, and a variety of other particulars which have already appeared, or will hereafter appear under their separate heads, and which, united, go to form the aggregate of what may be called general treatment.*

3. Our *forty-one* West India advocates produce, in the next place, the legal regulations respecting *labour*, as proving "the humanity" of the planters, and "their fitness to make laws for their bondsmen." It might indeed be assumed *à priori*, that as the benefit of the slave's labour was to belong to the planter exclusively, and as the slave had no voice in regulating its amount, the tendency of enactments, framed and enforced by the interested party, would be to an excess of exaction. And that such has been the actual result, is shewn by this very "Abstract," which professes to establish a contrary conclusion.

Taking the new law of Jamaica as a sample of the whole, both because it is a fair sample, and because its slave population is nearly equal to that of all the other colonies, what, on the shewing of these *forty-one* gentlemen, is the state of the case? The slaves then of Jamaica, as well as of most of the colonies, are compellable by law, to labour *in the field* from five in the morning till seven at night, being fourteen hours a day, with intervals of two hours and a half, which still leave, even supposing them to be effective intervals, eleven hours and a half of field-labour in each day, under the blaze of a tropical sun, which the planter may exact, and the slave is bound to yield, on pain of the lash. Eleven hours and a half of compulsory labour *in the field* during each day, the whole year round! Was any thing like this

* The reader has only to turn to our last number, p. 283 and 284, for a striking illustration, in the case of Jamaica itself, of the hunger, and the nakedness, and the maltreatment incident to Slavery.

exaction ever known, even in temperate climates? But then this is only the labour they may be actually compelled to perform *in the field.* The additional night labour of crop-time, to which there is no limit, is expressly excluded from the eleven hours and a half which may be consumed in field work. The night work of crop-time is over and above this, and may be estimated at five hours more, namely, from seven in the evening till midnight for half the gang, and from midnight to five in the morning for the other half, alternately. And this period of crop lasts for from four to six months of the year, according to circumstances. During those four, five, or six months, therefore, the slaves may be legally required to be actually employed in plantation labour, for sixteen hours and a half out of the twenty-four. Thus much, we repeat it, the law expressly authorizes the master or his delegate to exact from them, for the sole benefit of the master. But in addition to this enormous continuity of labour, it is obvious that there are various indispensable demands on the time of the slaves, which are of constant and daily recurrence, and which must greatly abridge their broken intervals of repose. They must be ready for the field in the morning, in order to be there at five, and must travel thither in the morning and afternoon, and must return thence at noon and at night. They must prepare and cook their raw and undressed food; collect fuel for that purpose, obtain water, often from a distance, take care of their children, wash their clothes, and attend to other domestic objects which we need not enumerate; and for all which it would be unreasonable to assign less than an hour and a half or two hours in the day; thus swelling their time of actual occupation, during crop-time, to eighteen hours or eighteen hours and a half in the twenty-four, leaving only five or six for meals and for repose.

During the six or eight months which may remain, exclusive of crop-time, their case is doubtless mitigated. Still they are liable, even then, to thirteen or fourteen hours of unceasing employment, independently of the time for meals and for repose. Even this, however, is too luxurious a state of ease and indulgence to be suffered to subsist without encroachment. Accordingly it is considered, out of crop, to be, in most cases, a regular part of the duty of the field-slaves, after the labour of the field is over, (that is, after seven o'clock at night,) to employ themselves in collecting fodder for the horses and cattle on the plantation, and in bringing it to an appointed place, to be inspected and duly deposited, before they are finally dismissed to their rest for the night.

This most onerous task of grass collecting, in addition to all the other labours of the day, is seldom alluded to by West Indians. They seem anxious to hide every trace of it from the knowledge of the public, and at this we cannot wonder, for it is a most grievous and wanton aggravation of the miseries of their bondsmen. The following is the manner in which Dr. Collins speaks of it:—"The picking of grass in situations where it is most abundant, is a labour more felt and regretted by the negroes than others much more severe." Again, he says, "The neglect of grass-picking is another frequent cause of punishment. On some estates it draws more stripes upon the negroes

than all their other offences put together, as the lash seldom lies idle while the grass-roll is calling over." "As it (this grass-picking) is to be performed when the negroes are retired from the field, and no longer under the eye of the overseer or driver, it is apt to be neglected. Besides it encroaches much on the time allotted to their own use; and even after they have, with much trouble, picked their bundles, they are frequently stolen from them by other negroes, and their excuses, however just, are seldom admitted to extenuate their fault." Dr. Collins strongly recommends some other mode of meeting this want, if it were only that the negroes might escape the whip, "which," he adds, "is too intemperately employed on this as on other occasions. The misfortune is, the whip is always at hand, and therefore supplies the readiest means of punishing; for the overseer, having such a summary mode of balancing offences, never thinks of any other." p. 192—205.

The common practice with respect to grass-collecting is, that all the field slaves shall be compelled, after quitting the field at night, (and in many cases at noon also,) to collect a bundle of grass, and to proceed with it to the stable or cattle-pen, and when all are there assembled, to have their names called over and their bundles examined, in order to see that they are sufficiently large. If not, or if they fail to attend this roll-call, they are punished. The bundles are then thrown into a heap, and the slaves are dismissed. Nor is it only the demand on the time and labour of the slaves, after the fatiguing toil of a tropical day, which is to be lamented in this inhuman practice, but their exposure to the chilling effect, on their heated bodies, of the night air, and often of the rain, which, when it falls, soaks their bundles, and streams down from the head, on which these are carried, over their whole bodies, generating colds, fevers, and consumptions.

Nor is this a practice which belongs only to ancient times, or to the days of Dr. Collins which are comparatively modern, but which exists, at the present hour, even in the Crown Colonies. And it will be found, by the Protectors' returns, which have been laid before Parliament, that in Trinidad, Demerara, Berbice, Mauritius, &c. there is no part of the fatiguing exactions required from the slaves which brings down upon them now, as it did in Dr. Collins's time, more frequent floggings than this. The same is the case in most of the other colonies; the laws of some of them expressly giving the master a right to exact this bundle of grass after the labour of the field is closed.* This practice, however, is neither so onerous nor so universal in Jamaica as in most of the other colonies. It nevertheless prevails there to a considerable extent. And wherever it does prevail, it is unquestionably a practice of the most oppressive and injurious description, as it respects both the comfort and the health of the slaves.

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* The Act of Grenada expressly provides, that the slaves are not to be compelled to work beyond the period of field-labour, except "in manufacturing such produce as necessarily requires night or extra labour," or "in the carrying a bundle of grass or stockmeat from the field to the stable or other place, where the same is consumed."—They must collect this bundle before they can carry it.

Such is the general system of labour which, our *forty-one* advocates of slavery affirm, proves the "humanity" of the planters, and "their fitness" to make laws for the benefit of their bondsmen!

4. The next point we shall advert to is that of arbitrary "*punishment.*" Now, the *forty-one* gentlemen who have undertaken to vindicate the humanity of the colonial legislatures, and among them of that of Jamaica, tell us that "the *existing* laws," of which they profess to give an "abstract," "are either entirely new, or have been re-enacted, with great improvements, *within the last eight years.*" They here make no exception. Now, we beg to ask of them to point out, under which of these classes they mean to place the clause of the Act numbered by them 36, of which they give the following abstract, viz:—"No slave shall receive more than ten lashes, except in presence of owner or overseer; nor, in such presence, more than thirty-nine in one day, nor until recovered from former punishment; under penalty of £20." This is neither a new nor an improved enactment. It stands forth in the latest Slave Code of Jamaica, with precisely the same grim and ferocious aspect which it exhibited in the consolidated Slave Act of 1788, and in every intermediate renewal of it! But let us give the very words of the clause as it now stands: they ought never to be lost sight of by the British public. They bear now, it seems, the date of 1831. "And IN ORDER TO RESTRAIN ARBITRARY PUNISHMENT, be it further enacted, that no slave, on any plantation or settlement, or in any of the workhouses or gaols of this Island, shall receive any more than TEN LASHES at one time and for one offence, unless the owner, attorney, guardian, executor, administrator, or overseer, of such plantation or settlement, having such slave in his care, or keeper of such workhouse, or keeper of such gaol shall be present; and that no such owner, attorney, guardian, executor, administrator, or overseer, workhouse-keeper, or gaol-keeper, shall, on any account, punish a slave with more than THIRTY-NINE lashes, at one time, or for one offence, nor inflict, nor suffer to be inflicted, such last mentioned punishment, nor any other number of lashes on the same day, nor until the delinquent has recovered from the effect of any former punishment, under a penalty of not less than ten pounds, nor more than twenty pounds for every offence."

Such then is one of the laws which these *forty-one* gentlemen, the acknowledged representatives of the West India body, ostentatiously hold forth to the public, as an evidence of colonial humanity, and as a refutation of what they term the gross misrepresentations of the Anti-Slavery Society, when it affirms that "the holders of slaves have proved themselves unfit and unwilling to frame laws for the *benefit* of their bondsmen," and that "the experience of the last eight years has demonstrated incontrovertibly that it is only by the direct intervention of parliament that any effectual remedy can be applied." And yet, what farther evidence can be wanting to establish these positions than the very existence of such a law, retained, cherished, unmodified, vaunted, not only by its framers, but by their distinguished defenders. Would the oaths these gentlemen tender, in proof of the humanity of colonial bondage, efface this revolting enactment, an

enactment not dragged from the records of some barbarous age, and long since become obsolete, but deliberately renewed from time to time, during a long series of years, after reiterated debate and discussion, in contempt of the strongest recommendations of the crown, the denunciations of Parliament, and the indignation of the whole British nation; nay more, triumphantly re-enacted by the assembly, as a part of the Jamaica Slave Code of 1831, and then exhibited, by *forty-one* West Indian planters and merchants of the first eminence, as a decisive proof of the humanity of slave-holders, and their fitness to legislate for their bondsmen.

But let us contemplate more nearly and particularly the whole enormity of this clause. We are continually reproached with dwelling on individual instances of cruelty, which, as they may occur in the best regulated community, prove nothing as to the general state of law and manners which may prevail in it. But here we have whole communities, acting by their representatives freely chosen, strenuously contending for the continuance of this monstrous and revolting power of lacerating, at their pleasure, the prostrate bodies of their dependants, and pertinaciously clinging to it, as if it was their life. They seem to hug the cart-whip to their bosoms as their glory, their grand badge of distinction. And not only are those, it would seem, ready to fight for it, who actually wield it, who exult in its explosions, and whose lust of power is gratified by directing and witnessing its application; but by *forty-one* chosen advocates of the West India body, residing among ourselves, mixing in our assemblies, joining our convivial parties, occupying seats in our imperial senate, and claiming the name and the character of English gentlemen.

And then, over whom, and by whom, is this power, thus fondly cherished and thus firmly grasped, thus reasserted in the year 1831 by the Assembly of Jamaica, and thus defended by no less than *forty-one* select and distinguished members of the West India body;—over whom and by whom, we ask, is this power to be exercised? It may be exercised over every slave of the 325,000 who inhabit the Island of Jamaica. Every man, woman, or child, by this law, is subjected to it. Each and all of them may, by this law, be laid prostrate on the earth, and have their bared and quivering limbs shamefully exposed to the common gaze, and torn and mangled with thirty-nine lashes of the torturing cart-whip. And to all this they are liable, without even the form of a trial or the order of a magistrate; at the mere caprice or bidding of another; for no defined or specified offence; but merely because the individual, armed with this tremendous power, chooses to exercise it.—And then who are those to whom the law delegates this frightful exercise of arbitrary power over the persons of their fellows? They are, to the extent of TEN lashes, every driver or *quasi* driver, and to the extent of THIRTY-NINE, every one, whether male or female, who is the owner of a slave, or to whom such owner may think proper, at his sole discretion, to transfer or delegate his legal rights of proprietorship. In short, every *owner*, *attorney*, *guardian*, *executor*, *administrator*, or *overseer*, nay every *keeper of either gaol or work-house*, is armed, by this law, with the power of thus lacerating the body of every slave under his charge; at his discretion; without

being required, by this or any other law, to assign a reason for so doing; nay, being actually protected by law, in so doing, from all responsibility whatever, provided he does not kill or maim his victim.

And yet, as if in mockery of every feeling of humanity and justice, and as if to mark the pernicious effect of participating in the administration, or even in the gains, of slavery, the legislators of Jamaica, and their *forty-one* British advocates, continue to maintain that the very object for which this clause has been framed, is, "IN ORDER TO RESTRAIN ARBITRARY PUNISHMENT!"

Now let us never forget, when considering the degree in which the boasted limit of thirty-nine lashes may be considered to operate as an effectual *restraint* on cruelty, first, the candid declaration of the Assembly of Barbadoes in 1826, (when apologizing for its refusal to limit the number of lashes which an owner might arbitrarily inflict,) namely, that even "a given number of stripes, in the hands of a relentless executioner, may, under the sanction of the law, be so inflicted as to amount to an act of cruelty;" and second, the candid and humane statement of Mr. Barrett, himself a large owner of slaves in Jamaica, who, in his place in the Assembly, asserted that the cart-whip was a base, cruel, debasing, detestable instrument of torture, thirty-nine lashes of which might be made more grievous than five hundred of the cat, though the latter was only inflicted after solemn trial, and the former, "at the pleasure of an individual, at his sole command, as caprice, or passion," (and he might have added or drunkenness, or brutal lust) "dictated."

On this head we have confined ourselves hitherto chiefly to Jamaica. We will now briefly advert to the other chartered colonies. In none of them has the flogging of females been abolished by law, and in practice it is still continued, and in no one more shamelessly and cruelly than in Jamaica itself, of which recent Parliamentary papers furnish abundant proof. (See Anti-Slavery Reporter, vol. iii. No. 71, p. 481, and vol. iv. No. 76, &c.) In the chartered colonies, indeed, this abomination has been prohibited, not by the planters, but, in spite of their clamorous opposition, by the authoritative mandate of the supreme government.

Barbadoes stoutly maintained, that "to forbid, by legislative enactment, the flogging of female slaves, would be productive of the most injurious consequences." There are, however, *forty-one* eminent planters who vauntingly tell us, that, by the humane law of that island, women when flogged, are to be flogged *decently*, and *with the military cat*, and that "*pregnant women*" are no longer to be flogged, but merely confined. Could the most inveterate enemy of the Colonists have imagined, beforehand, that in the year 1827, such a law could have been unblushingly framed, by a body even of Barbadian legislators; and that in 1831, the humanity of it should be vindicated by *forty-one* English gentlemen? So seems to have thought the late Mr. Huskisson. In his despatch of the 18th October, 1827, he observes, that the military cat was an instrument "intended for the correction of men in the maturity of life, guilty of serious offences. It would be most formidable, if the young, the aged, and the infirm, were to be the sufferers. In the case of females," he added, "I

should hope that *no man could seriously think of resorting to it.* The case supposed of a woman being flogged in an *indecent* manner, or of a *pregnant woman* being flogged at all, would seem to require some much more severe punishment than a fine of £10 currency." How must these Barbadian legislators, who had been flogging naked women all their days with the *cart-whip*, have laughed to scorn the squeamishness of Mr. Huskisson, and his horror of the *army cat!* So far were *they* from sympathizing with him, that they solemnly and officially declare, that to discontinue the flogging of women, would be inconsistent with "the safety of the inhabitants, the interests of property, and the welfare of the slaves themselves." And yet these men are held out to us, by the distinguished *forty-one*, as men of humanity, "*fit to make laws for the benefit of their bondsmen!*"

St. Vincent, the Bahamas, and several other colonies, in respect to severity of punishment, stand precisely on the same footing as Jamaica. In some of them we have a similar affectation of *decency*, in the flogging of women, as is shewn in Barbadoes. In Grenada, St. Christopher's, and Tobago, the limitation of stripes has been reduced from thirty-nine to twenty-five; and Dominica has substituted the *cat* for the *cart-whip.* As for the laws *professed* to be passed in a few of the chartered colonies, for abolishing the driving-whip, they are nothing more than a gross attempt to blind the eyes of the British public. The remarks of Earl Bathurst, on that of St. Vincent, are applicable, with trivial variations, to all of them. "The law," he says, "is so constructed, that a free-negro may use it (the driving-whip) with impunity, and even a slave may be employed to use it, if not carried as an emblem of authority, but as a means of impelling other slaves to labour. The prohibition, too, extends only to *one* description of whip, namely, that which is usually called the cart-whip. And it is only on the plantation it is prohibited at all. In other places it may be exhibited even by a slave with impunity." (Papers by Command for 1827, p. 112.) Is it not an act of deliberate dishonesty to pass such a law as this, or to exhibit it when passed, as a law for abolishing the driving-whip?

We mean to reserve, for another occasion, some remarks we shall have to make on the gross violations of the laws humanely passed, by His Majesty's government, to regulate and restrain arbitrary punishments, which have taken place in the Crown Colonies, notwithstanding the appointment of Protectors. In the mean time, we have said enough on the subject, as it respects the chartered colonies, to invalidate the testimony of our *forty-one* West India proprietors, in favour of the humanity of the planters, and of their "fitness to make laws for the benefit of their bondsmen."

5. The next point in order, is "*the separation of families.*" But although our *forty-one* subscribers mention the subject, by way of swelling, we presume, the number of alleged ameliorations, yet they do not pretend to affirm that any thing effectual has been done to cure this evil. All they venture to say upon it is, that "where a levy shall be made of a family or families, each family shall be sold together and in one lot." This regulation, however, is most obviously nuga-

tory, so long as *levies* are permitted without regard to family ties, and more especially, so long as there is no law to prohibit the separation of families by private sale.

Mr. Burge, the agent of Jamaica, had indeed the extraordinary hardihood, on the 15th of April last, to affirm in his place in the House of Commons, that separations by private sale were not permitted in Jamaica. But the falsehood of this assertion was completely established by Lord Howick, who exhibited an intimate acquaintance with this and other parts of the Colonial question, which, considering the short time he had been in office, excited our surprise and admiration. His Lordship challenged Mr. Burge to "point out any clause of any law, in the whole statute book of Jamaica, in which the practice in question was denounced and proscribed." Mr. Burge, unable to meet this challenge, boldly resorted to the subterfuge of saying that, "the Courts of law would set aside the sale;" but this he said without being able to produce a single instance in proof of his allegation, although the case of separation by private sales is one of constant occurrence in Jamaica. Mr. Burge too, be it remembered, was actually the Attorney General of Jamaica, and a member of its legislature, in December 1826, when it was proposed in the Assembly, by Mr. Batty, "That it shall not be lawful in cases of sale" (making no distinction between voluntary sales by the master and sales under legal process) "to separate married people from each other, or from their issue if under ten years of age, provided the parties belong to the same owner; and it shall not be lawful for any collecting constable, the provost marshal, or any of his deputies, to levy upon, or sell them separately." This clause, however, was rejected; and the only provision made on the subject was this, that on levies, in execution, IF mothers and children under ten years of age are seized together they shall be sold together. Some of the speeches on this occasion throw much light on the state of feeling among the legislators of Jamaica. Mr. Brown said, it would be very hard upon a man who owed a small sum of £50 to have a whole family sold by the marshal. (The hardship to the slave, was made no account of.) In reply to Mr. Batty, Mr. Hilton observed (and his opinion prevailed in the assembly) "that it would be violating the rights of property to dictate to the master how he should dispose of it: he had a *right* to sell one or more of his slaves, according to his wants and inclinations, in the same way as he had to dispose of any other property. The proposed clause, therefore, he considered as an invasion of property." (Royal Gazette of Jamaica, December 1826.)

Now Mr. Burge, we should think, must have been aware of these occurrences, when, trusting to the ignorance prevailing in the House of Commons as to the details of Colonial questions, he ventured to contradict Lord Howick respecting the liability of families to be separated by private sale, or to affirm that the Courts of law in Jamaica would annul such sale. It is difficult to conceive how *he*, at least, could have uttered either the denial, or the affirmation, in ignorance of its truth or its falsehood.

But can it then be true that the different legislatures of the British

Colonies should, for eight long years, have contumaciously refused to adopt any effectual measures for rectifying this crying evil of forcibly separating husband and wife, parent and child by sale, for the convenience, or at the caprice, of an owner; and that *forty-one* English gentlemen, holding respectable stations in society, and some of them members of the British Parliament, should be found to come forward before the public to praise the humanity of such legislators, and to guarantee their "fitness to make laws for the benefit of their bondsmen?" Such is the fact, though it is almost too bad for belief.

6. Our *forty-one* gentlemen have taken the trouble of raising a head for "*Manumission;*" but this could not have been with any hope to establish the claim of the legislators of the West Indies, to be regarded as willing to comply with the suggestions of His Majesty's government on this point; since all they have said and done, respecting it, has only served to prove their determination wholly to refuse to the slave the right of self-redemption *invito domino*. On this subject, indeed, Mr. Burge astonished the House of Commons by boldly and broadly asserting that slaves were a freehold property, which it was *unjust* to compel a master to dispose of against his will. "This observation," said Lord Howick in his able reply, "shocked me more than I can describe. Is it not the ordinary practice of the British legislature to compel a man to dispose of his own freehold property when it is for the public convenience? Does he mean to say it is unfair to make a man part with his slave for the value of that slave, when we every day compel a man to part with his property for the mere convenience of the public? When for constructing a rail-road or a turnpike-road, we compel any man to sell property which he has neither acquired nor held by guilt, or with a shadow of injustice, and this too on the mere ground of convenience, is it to be said that we are to be barred from pursuing the same course when justice is concerned, and when the subject of compulsory sale is that which no man can have acquired, or can retain, innocently—the freedom of an unoffending slave—the birthright of every human being? I did hear with astonishment this argument of the hon. and learned gentleman, and though it excited a great sensation in the House, I wonder it was not infinitely greater."—It was impossible for any liberal mind to listen to the manly and indignant expostulation of the noble lord without a thrill of delight.

7. The next head of vindication and apology refers to the "*Evidence*" of slaves. Of the law on this general subject, as it exists in our chartered Colonies, we know not that we could give a more accurate view than will be found in our third volume, No. 65, p. 370, viz. "Of the chartered Colonies, Grenada and Tobago have admitted the evidence of slaves without restriction. In the others the restrictions imposed on that admission are of such a nature as to render their *apparent* concessions perfectly futile and valueless." Our *forty-one* gentlemen, however, seem disposed to falsify this statement. Not content with affirming the fact, which we gladly admit, of the unrestricted admission of slave evidence in Grenada and Tobago, they assert, for

example, that, by the law of St. Vincent, "Slave evidence, except against owners, is admissible, as in the case of free persons." Now that our readers may judge of the misrepresentation which is involved in that assertion, we will here transcribe Lord Bathurst's comment upon this law in his despatch of April 3, 1827, "The law (viz. the law of slave evidence) excludes," says his Lordship, "the evidence of unbaptized slaves, and of slaves baptized by any ministers dissenting from the established Church.—It also excludes all slaves not sufficiently known to some clergyman" (a dissenting teacher will not do) "to obtain from him a certificate of their good character and repute, and of their being sufficiently instructed in the principles of religion to understand the nature of an oath.—What is still more objectionable is the necessity of obtaining a certificate to the same effect from the proprietor or his attorney, which will prevent the slave being heard as a witness in any case where the proprietor or attorney has a motive for preventing it.—The slave cannot be admitted as a witness in any civil case, and even in criminal prosecutions, he cannot be heard against his owner, or manager, or his delegates.—The testimony of a single slave, though supported by the clearest circumstantial evidence, or even by the testimony of another witness of free condition, would not, under this act, be sufficient for a conviction.—No public record is established for registering the names of slaves competent to give evidence." (Papers by command, part ii. p. 112.) Now our *forty-one* gentlemen, though they must have been aware that the law had been thus described by His Majesty's Secretary of State, yet, without adverting to any one of the many potent objections he had urged against it, give to the legislature of St. Vincent full credit for compliance with the suggestions of the Government, and describe this evasive and futile enactment in the untrue and deceptive terms we have already quoted.*

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* We are here forcibly reminded of a very recent attempt, of the same kind, to mislead parliament on the subject of Colonial Slavery, made by the body of Colonial agents in this country, and of which, on account of its character, it seems desirable to preserve some reminiscence.

A paper of forty-six folio pages was laid on the table of the House of Commons, and by that House ordered to be printed, on the 28th of March, 1831, entitled, "Slave-laws: West Indies," and numbered 301. Notwithstanding its size, it passed through the press with extraordinary celerity, and was in the hands of members on the following morning. This paper was naturally presumed to be some important official document, which government had deemed it their duty to furnish, in the utmost haste, previously to the discussion on Colonial Slavery, which stood for the very day of its appearance, namely, the 29th of March. On looking beyond the first page, however, the attentive reader discovered, to his no small surprise, that this paper, though bearing, on its exterior, some marks of authority, was no *official* document, but a paper prepared by the West India agents, and having been transmitted by one of their number to Lord Goderich, was then moved for in the House of Commons, evidently in the hope that, in this transition through the colonial department, it would somehow or other acquire, in the eyes at least of superficial readers, a character of authority, and, reaching them on the very morning of the approaching debate, might influence the votes of many; while opponents would have no time to examine

Equally ineffective to its purpose is the new legislation, on the subject of slave evidence, of Jamaica, as well as that of the other Colonies, with the exceptions already mentioned. On the law respecting it in the Jamaica Act of 1826 (being the same as in the Act of 1831), Mr. Huskisson, with his characteristic good sense, thus comments: "It appears to contemplate the admission of the evidence of slaves in those cases of crimes *only* in which they are usually the actors or the sufferers,

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and expose this new and artful contrivance for giving, to fallacious party statements, an official aspect. A suspicion of this kind appears to have suggested itself to the mind of Lord Goderich; and, to prevent his being implicated in a proceeding so manifestly unfair and disingenuous, he instructed Lord Howick, to give due notice of its real nature to all who might otherwise have been deceived by it. Accordingly, the pseudo-official paper was prefaced by a letter from Lord Howick to the Colonial agents, telling *them*, and through them the House of Commons, that Lord Goderich felt it necessary, "for the prevention of any possible misconception;" that he should distinctly apprise them, that Lord Goderich declined to express any opinion respecting the accuracy of the various "*Abstracts*" which they had thus transmitted;—and that his Lordship could not too distinctly explain, that they were invested with *no official authority*, but must be regarded only as expressing the opinions of the individuals from whom they emanated.

Notwithstanding this prompt and honourable proceeding on the part of Lord Goderich, some effect might have been produced by this paper had Mr. Buxton's motion actually come on, as it was intended, on the 29th of March; but its unexpected postponement to the 15th of April, afforded the requisite time for discovering the disingenuousness of the proceeding, and for exposing the gross misrepresentations which the paper contained.

This elaborate work of these agents commences with an Abstract of the Slave law of St. Vincent's of December, 1825, accompanied by an apparently studied and deliberate misstatement, on the part of the framers, of the sentiments of his Majesty's Secretary of State respecting it.

"Upon this bill," the agents state, that "the Secretary of State for the colonies made the following observations, in a letter to the governor of St. Vincent, dated 3rd of April, 1827: 'His Majesty has observed with satisfaction, the progress made by these enactments in the measures to be taken for the improvement of the state of the slave population. Upon a review of the whole of the law, I am commanded by his Majesty to express his satisfaction with the general disposition of the council and assembly to adopt the recommendation addressed to them on this important subject.'"

Now it cannot be denied that these identical words occur in the Despatch of the Secretary of State of the 3d April 1827, (inserted in the papers presented to Parliament by his Majesty's command in 1827, part ii. pp. 110—114;) one half of them being part of the first sentence at the commencement of that Despatch, and the other half part of a sentence at the close of it;—between which two detached sentences, three folio pages and a half of observations intervene, of a wholly different character, which the framers of the "Abstract" not only do not quote, but do not even allude to in the very slightest degree! Thus, therefore, do they leave, nay, almost force, the reader to infer, that they have fairly exhibited the judgment of the Secretary of State respecting this law, and that that judgment is one of unmingled approbation. Whether this was fairly intended will be best understood by looking at the intermediate observations of the noble Secretary, Earl Bathurst, consisting of a series of severe animadversions on the different clauses of the Act in question. "*His Majesty*," says the

excluding their evidence in other cases," (indeed in all other criminal and in all civil cases*) " a distinction which does not seem to rest on any sound foundation.—There is not any necessary connexion between the baptism of a witness and his credibility.—The rule which requires that two slaves shall consistently depose to the same fact, on being examined apart, before any free person can be convicted on slave testimony, will greatly diminish the value of the general rule: In some cases, as that of rape, such a restriction might secure impunity to offenders of the worst description.—The rejection of the testimony of slaves twelve months after the commission of the crime would be fatal to the ends of justice in many cases; nor is it easy to discover what solid advantage could result from it in any case.—If the owner of a slave is convicted of any crime on the testimony of that slave, the Court has no power of declaring the slave free, though it may exercise that power when it proceeds on other evidence.—Highly important as it is to deprive a slave of every motive for giving false testimony against his owner, that object might be secured without incurring the inconvenience of leaving the slave in the power of an owner convicted of the extreme abuse of his authority.—In rejecting the proposal for a record of the names of all slaves sufficiently instructed to be compe-

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noble Secretary of State, "*has observed with satisfaction the progress made by these enactments, in the measures to be taken for the improvement of the state of the slave population.*" Thus far the quotation is correct; but the agents omit entirely the latter half of the same sentence which runs as follows:—"*But it is at the same time my duty to remind you, that there are several measures which, though recommended in the instructions approved by the two Houses of Parliament, are either entirely omitted in the bill, or are imperfectly accomplished; and that, unless the legislature of St. Vincent's take them into their serious consideration, and make some further provision on these subjects, they will not have satisfied the expectations of Parliament and the public.*" (Papers by command, 1827. Part ii. p. 110.) Such is the whole of this garbled sentence.—Then follow the severe and lengthened animadversions to which we have alluded, and the substance of which may be found in the Anti-Slavery Reporter, Vol. ii, No. 29, p. 116. At the conclusion of them come the words which the agents have again garbled to make out their case of approbation by the King's Government. The words they have taken are: "*Upon a review of the whole law, I am commanded by his Majesty, to express his satisfaction with the general disposition of the Council and Assembly to adopt the recommendations which have been addressed to them on this important subject.*" What follows of the sentence the agents have prudently suppressed; namely, "*But I have it further in command to signify to you, that his Majesty's expectations will not be satisfied until the law has been revised and amended with reference to the observations contained in my present despatch.*" (Ibid.) But this is only one of a multitude of apparently studied misrepresentations which this pretended "Abstract" contains;—a charge we are perfectly ready to substantiate, when called upon to do so.

* The only crimes even, in the trial of which their hampered and restricted evidence can be given, are, murder, felony, burglary, robbery, rebellion, treason, rape; mutilating, dismembering, branding, or cruelly treating a slave; seditious meetings, and the harbouring of runaways.

tent witnesses, the legislature appear to have neglected the means of providing a cheap and effectual encouragement to good conduct, and of investing the religious teachers of slaves with a powerful and legitimate influence over them."

With such unanswerable objections to the wisdom and efficiency of this law, the West Indians have little reason to boast of it. But they give also an untrue view of its provisions. They say of it that it admits the evidence of slaves in *all* criminal cases against all persons; whereas it only admits that evidence in *some* cases; and they wholly omit to mention some of the most injurious of the restrictions specified by Mr. Huskisson.—Certainly the Jamaica Assembly furnish no proof, in this act of legislation, which has been the subject of their renewed deliberation for five or six years, of their "fitness to make laws for the benefit of their bondsmen."—What hope, moreover, can exist of a pure and effective administration of justice, where nine-tenths of the community are placed under so many harassing and degrading distinctions, as to their right of giving evidence in Courts of justice? And yet such is the strange perverseness of our Colonial legislators that their laws admit the evidence of a single slave unbaptized and unsworn, to convict a fellow slave even in capital cases, and to doom him to die by the hand of the executioner.

8. The representations of the *forty-one* distinguished individuals who have come forward on this occasion, are, if possible, still more wide of the truth, under the next head of pretended reform, namely, the slave's "*Right of property and Right of action.*" Their statement, in the case of St. Vincent, for example, is as follows: and as it varies little from their corresponding statements respecting Jamaica and the other chartered colonies, we may take it as the basis of our remarks:—

§ 5. "Secures to slaves the possession of personal property,* and guards against its invasion by a fine of £10 (currency), over and above the property taken from them."

To exhibit the whole deceptiveness of this statement, it will be necessary to transcribe the very words of this fifth clause, differing in nothing material from the corresponding clause in the Acts of Jamaica and of other colonies.

"*And whereas by the usage of these Islands slaves have been permitted to acquire, hold, and enjoy* personal *property, free from the control or interference of their owners; and it is expedient that such laudable custom should be* continued *and established by law; be it therefore enacted,* That if any owner or possessor of any slave, or any other person whatsoever, shall unlawfully take away from any slave, or in any way deprive, or cause him to be deprived, of any species of personal property by him lawfully possessed or acquired; such person shall forfeit and pay the sum of £10, over and above the value of any such property, so taken away as aforesaid; the same to

* Under the head of Jamaica, the "Abstract" says, that the law "establishes the right of slaves to personal property." The two statements are *substantially* the same.

be recovered by warrant under the hand and seal of the justice of the peace before whom the complaint shall be laid and the facts proved."

That the full measure of the evasion, deliberately practised in this enactment, may be duly appeciated by the reader, it will be proper to place in juxtaposition the 24th clause of the Trinidad Order of March, 1824, which was evidently before the eyes of the legislature of St. Vincent's, as well as before the eyes of the legislatures of the other Colonies, at the time their new Acts were framed.

§ 24. "*And whereas by the usage of Trinidad slaves* have hitherto been reputed competent in the law, and *have* in fact *been permitted to acquire, hold, and enjoy property, free from the control or interference of their owners; and it is expedient what the said laudable custom should be* recognized *and established by law*, and that provision should be made for enabling such slaves to invest such their property on good security; *be it therefore ordered*, that no person in the Island of Trinidad, being in a state of slavery, shall be, or be deemed, or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of property; but every such slave shall, and is hereby declared to be, competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of lands, or money, cattle, implements or utensils of husbandry, or household furniture or other effects of such or the like nature, of what value or amount soever; and to bring, maintain, prosecute and defend any suit or action, in any court of justice, for or in respect of such property, as fully and amply, to all intents and purposes, as if he were of free condition." And by another clause (§ 8.) the Protector is empowered and required in all such cases to act for the slave and on his behalf. (Papers by command, 1824, p. 151.)

The corresponding terms in the two enactments are given in italics: a perusal of the whole will, therefore, at once exhibit, in full view, the evasive tenor of the affected imitation of the Trinidad law on this subject.

For the deceptive preamble to this enactment the legislatures of the chartered colonies stand, in some measure, excused by the example of the Trinidad Code. But that the statement it contains is incorrect, is abundantly proved by the official Report of His Majesty's Commissioner of Legal Inquiry, Mr. Dwarris, himself a considerable proprietor of slaves in Jamaica. That gentleman tells us, that neither in Barbadoes, Grenada, Tobago, St. Vincent, Dominica, Antigua, St. Christopher, Nevis, nor Tortola, the nine islands he visited, can slaves acquire any property *by law*, except for the benefit of their masters; nor can they claim any redress for injuries done them, either by their master, or his delegate, or even by third parties, except through the master.* And when in the last of his Reports, the third, at p. 106,

* See Mr. Dwarris's First Report, No. 587 of 1825, pp. 67, 90, 222, 223. Second Report, No. 276 of 1826, pp. 250, 251, 252. Third Report, No. 36 of 1826—7, pp. 13, 87.

he comes to sum up the whole of the evidence respecting the slave's legal rights of property, he thus expresses himself: "The slaves now labour under prodigious disadvantages. A slave is under a personal disability, and cannot sue in any court of law or equity, not even in respect of injuries done to him by other slaves. A slave cannot prosecute in the criminal courts. A slave cannot enter into a recognizance." "Slave evidence is not admitted against freemen, white or black, even against wrong-doers. In those cases," (namely, against fellow-slaves,) "where slave evidence is admitted, it very often is not upon oath." "If the property of a slave is taken from him, *he* cannot personally seek redress. His *master*, it is said, *may* bring trespass. This, however, is very insufficient; for he also *may not;* and if he does, and none but slaves are present at the infliction of the injury, as is likely to be the case, there is no satisfactory proof of the fact. The owner, suing for his slave, must establish his case by competent evidence, and cannot prove the fact by persons under legal disabilities." Mr. Dwarris then goes on to prove, by other considerations, that from the non-admissibility of slave evidence, "the slave is left defenceless," and concludes the whole thus: "From *all* we saw in *all* the islands, it was the *firm conviction* of His Majesty's Commissioners, that the foundation of every improvement, both as regards the white and black population of these colonies, must be laid in an improved administration of justice, and in the admission of slave evidence."*

It may even be true, that in many, if not most cases, the slaves are allowed to enjoy their *peculium* without direct control or interference; but this by no means affects the question of *law*. And, as Mr. Dwarris himself properly intimates, the question for the legislator is not what *is* done, but what *may be* done, in a case of this description. And that it is always in the power of the master, and may often be in his inclination, to disturb his slave's enjoyment of property, is unquestionable. He may do so every time he chooses to sell his slave, or to permit him (a very frequent occurrence) to be levied upon for debt or for taxes. He does so whenever he drives him, by severity, to run away, or whenever, by engrossing his time, he deprives him of the power of attending to his stock or to his grounds. He *may*, and often does, take from him his grounds, and he *may*, and often does, kill his stock, without the possibility of redress. (See House-of-Commons Papers for 1825, No. 476, p. 45, and for 1826, No. 401, p. 17.) In the Report of the Berbice Fiscal, we find the slaves of an estate complaining that the overseer had killed all their hogs.

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* Even in Trinidad, before the new Code of 1824 was framed, this same gentleman and Mr. Jabez Henry, acting as Commissioners of Legal Inquiry in that Island, had ascertained as follows: 'The judge of criminal inquiry said, that a slave *could* acquire property for his own benefit;' but the chief justice was of a contrary opinion; for he said, '*a slave cannot*, by the Spanish law, acquire any property, except for the benefit of his master.' 'In case of property in the possession of a slave, whether belonging to himself or his master, being wrongfully taken from him, it is only recoverable by the owner.' (House-of-Commons Papers for 1827, No. 551, p. 29.)

One man, Leander, had ten hogs killed at one time by the manager, and for complaining of this act he was put in the stocks. The Fiscal, to whom Leander complained, regrets this harsh proceeding; which he does not however punish or redress, but rather extenuates. Here we have, probably, the accumulations of Leander's whole life destroyed, in one hour, by the merciless and irresistible act of the petty despot of the plantation; and for this injury there was no redress! —*(Ibid.)*

But besides the insecurity of his property, (for property must necessarily always be insecure in those circumstances of personal dependance and civil disability under which the slave is placed,) the slave is actually prohibited, even by this vaunted law of St. Vincent, §§ 81 and 82, from dealing in "sugar, cotton, rum, molasses, cocoa, coffee, *or other goods, or merchandize of any sort*, except firewood, fish, poultry, goats, hogs, grass, fruit and vegetables."* Indeed, in the colonies having legislatures of their own, the clauses that have been introduced into their new codes, on the subject of the property of slaves, are no more than an evasion of the recommendations of His Majesty. They set out, in general, with a preamble, like that of St. Vincent, affirming that, by *custom*, slaves have been allowed to possess and enjoy personal property. After this preamble, it might have been expected, that that would have been made their right by law, which, it is stated, had formerly been enjoyed by permission and sufferance. The enactment which generally follows, however, is, not that such custom shall be established by law, but that if any master, or other person, shall unlawfully take away from a slave, or deprive him of, what he may be *lawfully* possessed of, such person (not shall be punished as a felon, but) shall forfeit ten pounds currency (less than five pounds sterling), over and above the value of the property. We are not even told how a slave may *lawfully* possess property, nor is any legal title to it conferred upon him. No means of suit are afforded him, and he is generally debarred from giving evidence in all civil actions. In short, with scarcely an exception, the provisions on this point are, it is again maintained, a mere evasion of the king's recommendation, and leave the slave in the same helpless and unprotected state, as to all essential rights of property, as he was before those provisions were enacted.

The insidious clause which we have quoted from the St. Vincent's Act, on the subject of the slave's rights of property, and which is nearly word for word the same as that of Jamaica, obviously effects a complete revolution in the laws of theft and robbery, as they respect the property of a slave, which would, of itself, be fatal to his security. But the slave possesses, by law, no rights of property, for most assuredly this clause gives him none; while it effectually excludes him by its very terms from acquiring any interest in land,—a restriction which is at once harsh, impolitic, and unnecessary.

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* The law is nearly the same in all the colonies, whether crown or chartered; and a most iniquitous law it is, independently of its being inconsistent with any valuable right of property in the slave.

Of Jamaica it is further affirmed, by our *forty-one* West Indians, that § 16, "secures to slaves the right to receive bequests of private property." Never was there a clause framed which more strikingly exemplifies the evasive spirit of colonial legislation than this; for to the barren recognition of the right in question is annexed the following sweeping proviso:—"*Provided always that nothing herein contained shall be deemed to authorise the institution of any action or suit at law or in equity, for the recovery of such legacy, or to render it necessary to make any slave a defendant in a suit of equity.*" And even the law of Tobago on this point, though it advances more nearly than any other to the model of the Crown Colonies, yet is rendered almost equally inoperative with that of Jamaica, by the want of a Protector, or of any authorised channel for vindicating the slave's rights of property.

Surely, surely, here are no proofs either of the *humanity* of the planters, or of their alleged "fitness to make laws for the benefit of their bondsmen," but proofs enough of studied evasion, and of deliberate and flagrant misrepresentation.

9. The only remaining head of the "Abstract" drawn up by these *forty-one* gentlemen, which it remains for us formally to notice, in the way of exposure and refutation, bears the title of "*Legal Protection.*"

The Secretary of state had required, as the only effectual means of securing "legal protection" to the slaves, that a Protector and Guardian of slaves should be appointed, who should not be a proprietor of slaves, or interested in slave property. The fulfilment of this proposal is thus announced in the "Abstract." St. Vincent, § 25:—"Magistrates, a Council of Protection. On receiving information of ill-treatment of slaves, they are bound to inquire, and, if the complaint be well founded, to prosecute." Jamaica, § 33:—In cases of maltreatment of slaves, "Justices and vestry to be a council of protection to prosecute offenders,"—and so with slight variations in other colonies.

It seems scarcely necessary to expose this stale and idle pretence, this mockery, of protection, by which the very persons to be guarded against, the owners or managers of estates, are themselves constituted the legal guardians of the slaves. Indeed the very clauses which are here referred to, and which also are not new but old laws, are so feebly and inadequately framed, as rather to deprive the slave of the means of protection, than to secure it for him. In case any justice of the peace shall receive a complaint that any slave has been wantonly or improperly punished, then such justice may associate to himself another justice, who may proceed to inquire, &c.; and having inquired, and found the complaint true, "it shall be the duty of such justices, and they are required, to prosecute the offender according to law;" or, if the complaint be found groundless, to punish the complainant with thirty-nine lashes, &c.: and all this is to be done by these two justices without penalty, or responsibility, or record, or report whatsoever. Was there ever such a barefaced imposition on parliament and the public as to call this protection? To prove this, it would be sufficient to refer to the uniform principle

maintained by government, of placing, in all the Crown Colonies, the office of Guardian and Protector of slaves solely in the hands of men disconnected with slavery.

But let us hear the judgment of Mr. Commissioner Dwarris, when speaking of this very clause; for it stood in the St. Vincent's Act of 1821, as it does in that of 1825, and in the Jamaica Act of 1816, as in that of 1831. There is "no other magistracy, board, or council, to discharge the delicate duty of investigating the complaints of slaves (whether of cruelty, oppression, excess of work, or subtraction or deficiency of food or clothing,) *except the attorneys or managers of estates.* Hence the salutary provisions of the Slave Act are in danger of being rendered ineffectual." (House-of-Commons Papers, No. 276 of 1826, p. 24.)—One magistrate testifies to the commissioner, that he recollected only two complaints of slaves for ill-usage in three years. (Ib. p. 23.) Can this be matter of surprise, when thirty-nine lashes are ready for the unsuccessful complainant?

It is impossible to place in a clearer light, the uselessness of such provisions as those which are now boasted of by our *forty-one* subscribers to the manifesto, than has been done by Mr. Huskisson in his despatch of September 22, 1827. "The council of protection," he says, "cannot be considered an effectual substitute for the office of a distinct and independent protector. It will consist of those individuals over whom the protector was to exercise his superintendance. Their duties are limited to the single case of extreme bodily injury, and are to be discharged only if they think proper. The periodical returns required from the protector upon oath are not to be made by this council, nor are they even bound to keep a record of their proceedings. No provision is made for executing the duties of the office in different parts of the colony, on fixed and uniform principles; and the number of persons united in this trust is such as to destroy the sense of personal and individual responsibility."

The truth is, that Jamaica, Barbadoes, St. Vincent, and the other colonies, under the name of *legal protection* to the slaves, have actually contrived to give protection and immunity to the oppressors of the slaves. Against whom is protection for the slaves required? Is it not against their masters and managers? But to whom is their protection confided by the legislatures of Jamaica, &c.? To these very masters and managers, who, in fact, compose the entire of the magistracy, and of the parish vestries. Surely the *term* protection does not necessarily involve the *principle* of protection. On the contrary, it involves, under the laws we are considering, the extinction of that principle: for if the purpose had been to divest the slaves of all protection, no more effectual device could have been framed for accomplishing that object, than the insidious enactment in question.

Nor, we apprehend, are we singular in this opinion. If we mistake not, such is the clear and unambiguous judgment of Lord Howick, as expressed in his powerful speech, on the 15th of April last, in reply to Mr. Burge, the late Attorney General and the present agent of Jamaica, and one of the avowed framers of one at least of the fallacious abstracts we have been examining. "Of the many extraordinary

propositions," (proceeding from Mr. Burge,) "none astonished me so much," said his lordship, "as the remark that in Jamaica the council of protection answered the same purposes as 'a protector;' for I thought I knew, on very competent authority, that councils of protection were no substitute for the office of protector, as established in the Crown Colonies. It so happens that in the year 1826, Lord Bathurst sent out the heads of certain bills, formed on the order in council, which he wished to be regularly drawn up by the law officers of the crown, and laid before the different Assemblies. To the draft of a bill appointing a protector, which was accordingly prepared by the law officers of Jamaica, was appended the following note signed by William Burge, Attorney General, and Hugo James, Advocate General: 'We have not considered ourselves called upon to notice in the draft of this bill, either by way of repeal or otherwise, that part of the 25th section of the consolidated slave law, which constitutes the justices and vestry of each parish a council of protection, because *the duties assigned to that body are of a nature perfectly distinct from those which are committed to the protector and guardian of slaves by the provisions of this bill.*' I fully concur," added his lordship, "in this opinion, and I think it most able and just. A council of protection is a mere device for dividing the responsibility among a number of individuals; it is a protection to the oppressor, not to the oppressed. A numerous council of planters can venture to stifle prosecutions which would be instituted were the responsibility of refusing to do so to rest on a single individual only. I firmly believe that in the case of Kitty Hilton, a case which I have recently been compelled to lay on the table of the House with mingled feelings of regret and shame and horror, I firmly believe that no one of those individuals who voted as members of the council of protection, and, by a large majority, declared against a prosecution, would have come to such a decision if he had been called upon singly to pronounce upon the case: he would have feared to incur the undivided responsibility."

But be it remembered that Kitty Hilton's case is but one out of many which have lately encumbered the table of the House of Commons, in proof of the utter worthlessness of these boasted councils of protection, and of the utter unfitness therefore of the planters to make laws for the benefit of their slaves. We will not now enter further into them than to refer the reader to the following passages which have recently appeared in the Anti-Slavery Reporter, viz: vol. iii. No. 64, p. 341 and 345; No. 66, p. 373; No. 68, p. 416 and 419; No. 69, p. 429—441; No. 71, p. 481—495;—vol. iv. No. 76, p. 134—136; and No. 79, p. 246.

But this is not all. Every packet which arrives from the western world comes fraught with fresh tidings of horror to the same effect, and the difficulty we now feel pressing upon us is to find time and space for communicating to our readers the accumulated proofs of the inveterate and incurable evils of slavery, and especially of that state of utter destitution of *legal protection*, in which the slaves are unhappily placed, by leaving the work of legislating for them, a work

for which parliament alone is competent, to be performed by the planters.

We have thus gone through the principal heads of the "Abstract" on which the West Indians found their claim, not only to the forbearance but to the confidence of the parliament and people of England, and we think we have proved that it is so far from supporting that claim, that it furnishes the very strongest demonstration of the unfitness of the planters to legislate for their slaves, and that it is only by the direct intervention of Parliament that any effectual remedy can be applied to the evils of colonial bondage. And yet we have left wholly unnoticed a multitude of mistatements contained in this Abstract, which are either the blunders of ignorance, or the wilful perversions of fact. It would be endless to notice even a tythe of these. On a future occasion we may resume the subject.

But before we conclude, we are anxious to remind our readers that this "Abstract" exhibits to them only what our *forty-one* gentlemen deem the favourable side of West Indian legislation. We cannot commend their taste, indeed, in the selection. Still their object was to give us a succinct view of those Colonial improvements;—of those beauties in short of Colonial legislation, which raise the slave's enjoyments far above those of the British peasant, and which are to serve as convincing proofs that the West Indians were maligned and slandered by the Anti-Slavery Society when it pronounced them "unfit and unwilling to frame laws for the benefit of their bondsmen," and affirmed that it was a task which could only be effectually accomplished "by the direct intervention of Parliament." Had they chosen to give, not only what they regard as the light side of the picture but the dark side also; to give in short, a just, impartial, and unsophisticated whole length portrait, as it were, of the entire legal condition and liabilities of the Colonial slave, it would form a pretty exact counterpart, or rather amplification, of another Manifesto, namely, the Anti-Slavery Manifesto, dated the 1st of October, 1830, entitled "a Brief View of the nature and effects of Negro Slavery as it exists in the Colonies," with copies of which the *forty-one* authors of the West Indian Manifesto may be supplied on application at the Anti-Slavery office.

This and all other publications of the Society, may be had at their Office, 18, Aldermanbury; or at Messrs. Hatchard's, 187, Piccadilly, and Arch's, Cornhill. They may also be procured, through any bookseller, or at the dépots of the Anti-Slavery Society throughout the kingdom.

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